

PROB 12C
(7.93)

Report Date: November 21, 2008

United States District Court

for the

Eastern District of Washington

Petition for Warrant or Summons for Offender Under Supervision

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DEC 01 2008

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

Name of Offender: Nicanor Inocencio, III

Case Number: 2:08CR02059-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Fred Van Sickle, Senior U.S. District Judge

Date of Original Sentence: 6/6/2006

Original Offense: Possession with intent to distribute a quantity less than 50 kilograms of marijuana,
21 U.S.C. §§ 841(a)(1) and 841(b)(1)(D)
Transport and guide an illegal alien within the United States for financial gain,
8 U.S.C. §§ 1324(a)(1)(A)(ii), 1324(a)(1)(B)(i), and 18 U.S.C. § 2

Original Sentence: Prison - 30 Months; Type of Supervision: Supervised Release
TSR - 36 Months

Asst. U.S. Attorney: Donald E. Kresse, Jr.

Date Supervision Commenced: 3/12/2008

Defense Attorney: Kraig Gardner

Date Supervision Expires: 3/11/2011

PETITIONING THE COURT

To incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 6/13/2008.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

5

General Condition: The defendant shall not commit another Federal, state or local crime.

Supporting Evidence: Mr. Inocencio was charged with malicious injury to property domestic violence on August 2, 2008, Yakima Municipal Court cause number G00059556.

According to the Yakima Municipal Court docket, on October 27, 2008, Mr. Inocencio was charged with the above noted allegation. Mr. Inocencio has a scheduled hearing set for December 26, 2008.

A police report has been requested.

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- 6 **Special Condition #15:** The defendant shall participate in an inpatient or outpatient program for treatment of drug and alcohol addiction, dependency, or abuse, which may include but not limited to urine, breath, saliva, and skin testing, to determine whether the defendant has reverted to the use of drug and/or alcohol. Further, the defendant shall participate as instructed and as deemed necessary by the probation officer, and shall comply with all rules and regulations of the treatment agency, until discharged by the program director with the approval of the probation officer. The defendant shall further submit to drug detection techniques in addition to those performed by the treatment agency, as directed by the probation officer. The defendant will incur costs associated with such drug and alcohol detection and treatment, based upon ability to pay as determined by the probation officer.

Supporting Evidence: Mr. Inocencio failed to participate in drug and alcohol treatment at Triumph Treatment Services on October 27, November 5, and 18, 2008.

- 7 **Special Condition #15:** The defendant shall participate in an inpatient or outpatient program for treatment of drug and alcohol addiction, dependency, or abuse, which may include but not limited to urine, breath, saliva, and skin testing, to determine whether the defendant has reverted to the use of drug and/or alcohol. Further, the defendant shall participate as instructed and as deemed necessary by the probation officer, and shall comply with all rules and regulations of the treatment agency, until discharged by the program director with the approval of the probation officer. The defendant shall further submit to drug detection techniques in addition to those performed by the treatment agency, as directed by the probation officer. The defendant will incur costs associated with such drug and alcohol detection and treatment, based upon ability to pay as determined by the probation officer.

Supporting Evidence: Mr. Inocencio failed to submit to random urinalysis testing on November 10, and 13, 2008.

- 8 **General Condition:** The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within the first 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court.

Supporting Evidence: Mr. Inocencio admitted to using methamphetamine and marijuana on November 19, 2008.

On November 20, 2008, Mr. Inocencio reported to the U.S. Probation Office as instructed. The defendant was asked to submit a urine sample, but indicated he would not be able to produce a sample. Mr. Inocencio further advised he used methamphetamine and marijuana on November 19, 2008. An admission of drug use form was signed by the defendant.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on:

11/21/08

Jose Zepeda

Jose Zepeda

U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Other

Fred Van Biele

Signature of Judicial Officer

December 1, 2008

Date